

REMARKS

I. INTRODUCTION

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

II. STATUS OF THE CLAIMS

Claims 1-4, 6-8, and 10-20 are pending. By the present amendment, Claims 1 and 10 are amended, and Claims 11-20 are newly added herewith. As support for the amendments to Claims 1 and 10 and new Claims 11-20 may be found in specification and figures, it is respectfully submitted that no new matter is added by this amendment.

III. SUMMARY OF THE OFFICE ACTION

In the outstanding Office Action, Claims 1-4, 6, and 7 were rejected under 35 U.S.C. § 103 as unpatentable over *Gebhard* (U.S. Patent No. 5,186,563) and *Nagata et al.* (U.S. Patent No. 5,573,129). Claims 1-4, 6, 7, and 10 were rejected under 35 U.S.C. § 103 as unpatentable over *Lorber* (U.S. Patent No. 3,357,395) and *Nagata et al.* (U.S. Patent No. 5,573,129). Claim 8 was allowed.

IV. ARGUMENT

A. Allowable Subject Matter

Applicant acknowledges with appreciation the indication that Claim 8 contains allowable subject matter. Because Claim 8 has not been amended herewith, it is respectfully submitted that Claim 8 remains in condition for allowance.

B. Rejections Under 35 U.S.C. § 103

I. The Rejection Over Gebhard and Nagata

Claims 1-4, 6, 7, and 10 stand rejected under 35 U.S.C. § 103 over *Gebhard and Nagata*.

For the reasons discussed below, this rejection is respectfully traversed. Claim 1 has been amended to recite that the fluid dispenser has “a first support having at least one opening and having internal threads that engage the external screw threads of the upstanding open-ended neck portion; an absorbent pad disposed on the first support; and a second support disposed within the neck portion having at least one opening.” The basis for this amendment can be found in the specification and figures as filed.

Claim 1, as amended, recites, in part:

A fluid dispenser for compression in the hand, comprising:
a body extruded from a low density polyethylene material and moulded under pressure, the body including bellows closed at one end and at its other end an upstanding open-ended neck portion...;
a first support having at least one opening and having internal threads that engage the external screw threads of the upstanding open-ended neck portion;
an absorbent pad disposed on the first support; and
a second support disposed within the neck portion having at least one opening, ...

Gebhard relates to a fluid dispenser with an applicator member. As the Office Action notes, *Gebhard* does not disclose all the features of Claim 1. Thus, the Office Action relies on *Nagata* for disclosing the remaining features recited in Claim 1 and contends that it would have been obvious to one skilled in the art to combine the bellows of *Gebhard* with the thickness, height, and weight disclosed in *Nagata*.

However, Applicant respectfully submits that neither *Gebhard* nor *Nagata* disclose or suggest a first support with an opening and threads that engage the neck portion, an absorbent pad on the first support, or a second support within the neck portion. *Gebhard* discloses an apparatus 10 that has a container 18 with a bellows section 42 that has an externally threaded cylindrical portion 45 at one end, as shown in Figs. 2-3 and as described in col. 3, lines 53-55 and 60-62. A valve 20 receives the externally threaded cylindrical portion 45, as shown in Figs. 2-3 and as described in col. 4, lines 20-22. *Nagata* discloses a container for a liquid 40 that has a flexible container main body 42 and a rigid opening 14 that protrudes from the container main body 42, as shown in Figs. 9-11 and as described in col. 12, lines 15-18. Neither *Gebhard* nor *Nagata* disclose or suggest a first support with an opening and threads that engage the neck portion, an absorbent pad on the first support, or a second support within the neck portion.

As explained in MPEP § 2143.03, all of the claimed features must be present in the applied reference or references to provide a *prima facie* case of obviousness. Because Claim 1, as amended, recites features not present in either *Gebhard* or *Nagata*, Applicant respectfully submits that a *prima facie* case of obviousness has not been made. Therefore, Applicant respectfully submits that Claim 1 is patentable over *Gebhard* in view of *Nagata*, and because Claims 2-4, 6, 7, and 10 depend on Claim 1, Claims 2-4, 6, 7, and 10 are also patentable for the reasons described above. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-4, 6, 7, and 10.

2. *The Rejection Over Lorber and Nagata*

Claims 1-4, 6, 7, and 10 stand rejected under 35 U.S.C. § 103 as unpatentable over *Lorber and Nagata*. For the reasons discussed below, this rejection is also respectfully traversed.

The Office Action asserts that *Lorber* in combination with *Nagata* disclose the invention as recited in Claim 1. *Lorber* relates to a moistening pad, but as the Office Action correctly observes, *Lorber* does not recite all the features of Claim 1. Consequently, the Office Action states it would have been obvious to one skilled in the art to combine the bellows of *Lorber* with the thickness, height, and weight disclosed in *Nagata*.

However, Applicant respectfully submits that neither *Lorber* nor *Nagata* disclose or suggest a first support with an opening and internal threads that engage the external threads of the neck portion, an absorbent pad on the first support, or a second support within the neck portion. Instead, the water container 1 of *Lorber* has a disc 8 within the neck 2, a sponge 7 on the disc 8, and a cover 3 with an aperture 6 and internal threads that engage the external threads of the neck 2, as shown in Fig. 2. Unlike the present invention where the absorbent pad is on the first support that has internal threads that engage the external threads of the neck portion, the sponge 7 of *Lorber* is on the disc 8 that is within the neck 2. The sponge 7 is not on the cover 8 which has the internal threads that engage the external threads of the neck.

As discussed above, *Nagata* also does not teach or suggest the first support, the absorbent pad, or the second support, as recited in amended Claim 1. Thus, neither *Lorber* nor *Nagata* disclose or suggest a first support with an opening and internal threads that engage external threads of the neck portion, an absorbent pad on the first support, or a second support within the neck portion.

As explained in MPEP § 2143.03, all of the claimed features must be present in the applied reference or references to provide a *prima facie* case of obviousness. Because the cited references do disclose or suggest a first support with an opening and internal threads that engage external threads of the neck portion, an absorbent pad on the first support, or a second support within the neck portion, Applicant respectfully submits that a *prima facie* case of obviousness has not been made. Thus, Applicant respectfully submits that Claim 1 is patentable over *Lorber* in view of *Nagata*. Furthermore, because Claims 2-4, 6, 7, and 10 depend on Claim 1, Applicant respectfully contends that those claims are also allowable over *Lorber* in view of *Nagata*. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1-4, 6, 7, and 10.

C. New Claims 11-20

Applicant respectfully submits that new Claims 11-20 are patentable over *Gebhard*, *Lorber*, and *Nagata*, alone or in combination.

New Claim 11 recites a dispenser that includes, "...an open-ended neck portion; a support within the neck portion, the support having an aperture; a pad coupled to the support over the aperture; and a removable cap with a tapered pin that engages the aperture..."

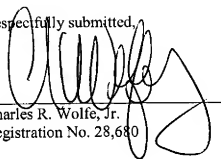
Neither *Gebhard*, *Lorber*, nor *Nagata*, alone or in combination, disclose or suggest a support within a neck portion and having an aperture, a pad coupled to the support, and a removable cap with a tapered pin that engages the aperture of the support. None of the cited references teach or suggest a removable cap with a tapered pin that engages the aperture. Therefore, Applicant respectfully submits that Claims 11-20 are allowable over *Gebhard*, *Lorber*, and *Nagata*.

V. CONCLUSION

Consequently, in view of the present amendments and foregoing discussion, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Date: April 24, 2008

Respectfully submitted,



Charles R. Wolfe, Jr.
Registration No. 28,680

BLANK ROME LLP
Watergate
600 New Hampshire Avenue, N.W.
Washington, D.C. 20037
Telephone: (202) 772-5800